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MCANDREWS HELD & MALLEY, LTD			MENDOZA JR, JORGE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,448	Applicant(s) KARAOGUZ ET AL.
	Examiner JORGE MENDOZA JR	Art Unit 4126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

Status

- 1) Responsive to communication(s) filed on 09/30/2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-31 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 September 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-16/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

1. Claims 1-31 are presented for Examination.

Priority

2. A reference to the prior application No.**60/432,472**, filed on December 11, 2002; application No. **60/443,894**, filed on January 30, 2003; application No. **60/457,179**, filed on March 25, 2003; and application No. **60/447,131**, filed on February 12, 2003 have been inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76). The claim for benefit of relying on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c) is acknowledged.

Information Disclosure Statement

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. . Incorporated references (*Attorney Docket No. 14185US02 & Attorney Docket No. 14274US02*) are disclosed in paragraph [02] of the specification.

Specification

4. The disclosure is objected to because of the following informalities:
5. The Serial Numbers (US Patent Application Numbers) are missing in paragraph [02] of the Incorporated by Reference section and paragraph [41] of the specification.
Appropriate correction is required.
6. Information provided in paragraph [04] of the specification, which reads "*present invention relate to providing personalized media overlays to a user.*" appears to be incomplete. Appropriate correction is required.
7. Information provided in paragraph [33] of the specification, which reads "*Referring to Fig.1, the media exchange network 60 may include a first location such as a user's home 1...*" appears to be incorrect, since there is no Fig. 1 in the drawings.
Appropriate correction is required.
8. Information provided in paragraph [34] of the specification, which reads "*The first location or user's home 1 may include PC 6, PDA 8, media peripherals 10, 11, home appliance 14...*" appears to be incorrect, since the PDA 8 component is labeled as 9 in Fig. 1A. A similar error appears in paragraph [43] of the specification with respect to PDA 8. Appropriate correction is required.
9. Information provided in paragraph [34] of the specification, which reads "*The remote location 2 may include PC 7, PDA 9, media peripherals 12, 13, home appliance 15 and media processing system (MPS) 16 and 17 respectively.*" appears to be incorrect, since there is no MPS 16 at remote location 2 in Fig.1A. Appropriate correction is required.

10. Information provided in paragraph [37] of the specification, which reads "*Media processing system 17 may include a television screen 19, a television broadcast processing platform 21, a television exchange processing platform 22 and communication interfaces 24, 25.*" appears to be incorrect, since television exchange processing platform 22 is labeled as 23 and there is no communication interface 24 in Fig. 1A. Appropriate correction is required.

11. Information provided in paragraph [49] of the specification, which reads "...pictures situated in their digital camera 10 to be archived in the user storage and distribution system 26." appears to be incorrect, since distribution system 26 is labeled as 126 in Fig. 1A. Appropriate correction is required.

12. Information provided in paragraph [51] of the specification, which reads "For example, synchronized television commercial services 128 may also be provided." appears to be incorrect, since television commercial services 128 is labeled as 28 in Fig. 1A. Appropriate correction is required.

13. Information provided in paragraph [55] of the specification, which reads "...firmware upgrade from a third (3rd) party provider such as the third party storage and distribution system 27." appears to be incorrect, since distribution system 27 is labeled as 127 in Fig. 1A. Appropriate correction is required.

14. Information provided in paragraph [57] of the specification, which reads "The Internet- based media exchange network infrastructure 108 may include..." appears to be incorrect, since the media exchange network infrastructure 108 is labeled as 112 in Fig. 1B. Appropriate correction is required.

15. Information provided in paragraph [58] of the specification, with respect to personal computer(s) **107** at user's home **101** appears to be incorrect, since personal computer(s) **107** is labeled as **108** in Fig. 1B. In addition, information with respect to MPS's **101, 103** appears to be incorrect, since MPS's **101, 103** are labeled as **104, 109** in Fig. 1B. Furthermore, information with respect to the media exchange server (MES) platform **111** appears to be incorrect, since MES **111** is labeled as **110b** in Fig. 1B. Appropriate correction is required.

16. Information provided in paragraph [61] of the specification, with respect to television screen **109** appears to be incorrect since, since the television screen **109** is labeled as **106** in Fig. 1B. Appropriate correction is required.

17. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not distinctly define the characteristics of each of the claimed processors of Claim 31: "*a media processing system processor, a media management system processor, a computer processor, a media exchange software processor and a media peripheral processor*" (paragraphs [13] & [116]). Without further disclosure as to the distinctness of each claimed processor in Claim 31, each claimed processor will be treated as indistinguishable and therefore the broadest reasonable interpretation of a processor will be used in the interpretation of Claim 31.

Drawings

18. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “**106**” has been used to designate both Media Peripheral(s) and TV Screen at User’s Home **101** in Fig. 1B.
19. The drawings are objected to because reference character ‘C’ of Fig.5 is labeling an incorrect location as indicated in the specification. According to paragraph [94] of the specification, reference character ‘C’ should be labeling where ‘the first party **501** accesses the third-party channel **504** using a media guide user interface **502** on a PC **503**’. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

20. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

21. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by **Chen et al. (US Patent No. 6,553,100)**.

With respect to Claim 1, the claimed "receiving an alert from a first device coupled to the communication network" is met by Chen et al. that teach the use of an intelligent processor (**100**) in receiving an alert from alarm event detectors (**510,520**) via a network (**200**) (Abstract; Fig.1&5; col.1, lines 17-19; col. 1, lines 54-55; col.2; lines 27-32; col.5, lines 51-54; & col.9, lines 47-48). The claimed "generating within a home; a message corresponding to said received alert; and displaying said generated message on a television screen within said home" is met by Chen et al. that teach the generation & transmittal by an intelligent processor (**100**), located on-premise, of an alert message to a user's television (**310,320**) (Fig.5; col.1, lines 61-67; col.6, lines 40-48; col.8, lines 46-53; & col.9, lines 54-57).

With respect to Claim 2, the claimed "further comprising displaying said generated message along with a media broadcast on said television screen within said home" is met by Chen et al. that teach the transmittal of an alert message to a user's

television while they are watching a media broadcast (col.1, lines 61-67; col.3; lines 47-53 and col. 8, lines 34-39 & lines 56-59).

With respect to Claim 3, the claimed "further comprising receiving an acknowledgement of said displayed message via a user selection" is met by Chen et al. that teach the acknowledgement of an alert by the use of an alert acknowledgement input device (**318**) (Fig.4; col.4, lines 7-11 and col.9, lines 18-25 & lines 58-61).

With respect to Claim 4, the claimed "further comprising receiving said acknowledgement via a remote control that controls functions for said television" is met by Chen et al. that teach the use of a remote control in acknowledging an alert (col.4, lines 7-11 and col.9, lines 21-25).

With respect to Claim 5, the claimed "further comprising terminating display of said generated message upon said receiving of said acknowledgement" is met by Chen et al. that teach the termination of an alert message once a user acknowledges it (Fig.5; col.4; lines 12-16; & col. 9, lines 58-67).

With respect to Claim 6, the claimed "wherein said alert indicates a status of at least said first device and a second device" is met by Chen et al. that teach the use of two alarm event detectors (**510,520**) that can be integrated into a burglary alarm system, a fire alarm system, a washing machine overflow alert system, an elders emergency alarm system, a kitchen appliance malfunction alarm system, and/or the like. (Fig.1 and col. 5, lines 25-37 & 45-58).

With respect to Claim 7, the claimed "wherein the first device is located outside said home and said second device is located within said home" is met by Chen et al.

that teach the use of alert event detectors (**510,520**) can either be on-premise or off-premise and directly coupled to the intelligent processor (**100**) via a network (**200**). (Fig.1 and col.5, lines 26-37 & 51-58).

With respect to Claim **8**, the claimed "further comprising receiving said alert via at least one of a wired and a wireless connection" is met by Chen et al. that teach a the reception of an alert by an intelligent processor (**100**) via a communication network (**200**), such as: a Public Switched Telephone Network (PSTN), a cellular network, a data network, an Internet Protocol (IP) network, an Asynchronous Transfer Mode (ATM) network, a circuit switched network, a Voice-over Internet (VOIP) network, a radio or television broadcasting network, and a cable network. (Fig.1 and col.2, lines 34-41).

With respect to Claim **9**, the claimed "further comprising displaying said generated message for a predetermined period of time" is met by Chen et al. that teach the displaying of an alert message until the time an alert acknowledgement is received by the user, either by a simple pressing of a button on a remote control or by the entering of a Personal Identification Number (PIN). (col.4, lines 7-16 and col.9, lines 21-34 & lines 58-67).

With respect to Claim **10**, the claimed "further comprising displaying said generated message in at least one of a pop-up window, a picture-in-picture (PIP) window and a banner on said television screen" is met by Chen et al. that teach the displaying of an alert notification via a pop-up window, a picture-in-picture (PIP) window and/or a banner on a television screen. (col.1, lines 61-67; col.3, lines 47-53; & col.8, lines 54-59).

Claims **11 & 21** are met as previously discussed with respect to Claim **1**.

Claims **12 & 22** are met as previously discussed with respect to Claim **2**.

Claims **13 & 23** are met as previously discussed with respect to Claim **3**.

Claims **14 & 24** are met as previously discussed with respect to Claim **4**.

Claims **15 & 25** are met as previously discussed with respect to Claim **5**.

Claims **16 & 26** are met as previously discussed with respect to Claim **6**.

Claims **17 & 27** are met as previously discussed with respect to Claim **7**.

Claims **18 & 28** are met as previously discussed with respect to Claim **8**.

Claims **19 & 29** are met as previously discussed with respect to Claim **9**.

Claims **20 & 30** are met as previously discussed with respect to Claim **10**.

With respect to Claim **31**, the claimed "wherein said at least one processor is at least one of a media processing system processor, a media management processor, a computer processor, a media exchange software processor and a media peripheral processor" is met by Chen et al. that teach the use of an intelligent processor (**100**) in receiving, generating, & displaying an alert notification to a user at a first location (Abstract; Fig.1&2; col.2, lines 27-32 & lines 42-46; col.3, lines 47-53; col.5, lines 26-29; col.6, lines 15-53).

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Beecroft (US Patent No. 6,760,415) teaches a system of notifying a user of phone calls while they are viewing television. In addition, teaches the ability by the user to accept or reject phone calls, and the ability to make phone calls via a television.

Graziano et al. (US Patent Application Publication 2002/0111698) teaches a system of monitoring and/or controlling the home devices of one or more homes via remote devices, with the assistance of a web host.

Choi et al. (US Patent No. 7,293,236) teaches a method and a system for displaying status information of devices in a home network.

Sharood et al. (US Patent No. 6,453,687) teaches a system in which an alert notification, related to the condition of a refrigeration application, is sent to user, monitoring service, or a repairman.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Friday 7:30 am – 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Dennis Chow** can be reached at (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jorge Mendoza Jr./
Examiner, Art Unit 4126

/Dennis-Doon Chow/
Supervisory Patent Examiner, Art Unit 4126